



## 1997 SENATE BILL 220

May 27, 1997 - Introduced by Senator ADELMAN, cosponsored by Representative RUTKOWSKI. Referred to Committee on Labor, Transportation and Financial Institutions.

1     **AN ACT to repeal** 341.09 (2) (f) and 341.09 (2m) (c); **to renumber** 885.237; **to**  
2             **renumber and amend** 341.09 (2m) (a); **to amend** 341.04 (1), 341.04 (1) (a) and  
3             341.09 (1); and **to create** 341.09 (2m) (a) 2., 341.09 (9) and 885.237 (2) of the  
4             statutes; **relating to:** operating an unregistered vehicle, temporary operation  
5             plates and creating presumption that certain motor vehicles located on a  
6             highway are unregistered or improperly registered vehicles.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, a vehicle subject to registration by the department of transportation (DOT) may not be operated upon a highway in this state unless the vehicle is registered or an application for vehicle registration has been delivered or mailed to DOT. A violation of this prohibition may result in a forfeiture of \$500 or, if the vehicle is an automobile or station wagon, \$200.

Under current law, DOT may also issue a temporary operation permit or plate for a vehicle under certain circumstances for a fee of \$3. DOT is also required to issue a temporary operation plate or permit for a vehicle if it appears that a person would be unable to lawfully operate the vehicle without such plate or permit. The temporary operation plate is valid for 60 days or until the applicant receives the regular registration plates for the vehicle, whichever occurs first.

In addition, any motor vehicle dealer licensed in this state may buy temporary operation plates from DOT at \$3 per plate and resell the plates at cost to state

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residents who purchase most types of vehicles from the dealer. The plate is valid for 60 days or until the person receives the regular registration plates for the vehicle, whichever occurs first. No person is required to obtain a temporary operation plate for a vehicle that is purchased from a motor vehicle dealer.

With exceptions for specified vehicle types, this bill provides that a motor vehicle for which application for registration has been delivered or mailed to DOT may be lawfully operated upon a highway in this state only if the vehicle is displaying a temporary operation plate or is being operated within 2 business days of its sale or transfer. The bill requires each motor vehicle dealer to issue a temporary operation plate for each motor vehicle that is sold by the dealer to a state resident. A dealer may also issue a temporary operation plate to any other state resident who is the transferee of an automobile or station wagon, regardless of whether the person purchased the vehicle from the dealer. The bill also requires DOT to issue a temporary operation plate to any state resident who applies for the plate and is the transferee of a motor vehicle. A temporary operation plate may not be issued unless certain conditions are satisfied, including that regular registration plates for the vehicle have not been issued by DOT. The bill creates specific exceptions for types of motor vehicles that are not subject to these requirements.

The bill also creates a presumption that any motor vehicle that is located on a highway without valid registration plates or a temporary operation plate or, for vehicles registered on a quarterly or consecutive monthly basis, other evidence of registration is an unregistered or improperly registered vehicle.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 341.04 (1) of the statutes is amended to read:

2           341.04 (1) It is unlawful for any person to operate or for an owner to consent  
3 to being operated on any highway of this state any motor vehicle, mobile home,  
4 trailer or semitrailer or any other vehicle for which a registration fee is specifically  
5 prescribed unless at the time of operation the vehicle in question either is registered  
6 in this state, or, except for registration under s. 341.30 or 341.305, a complete  
7 application for registration, including evidence of any inspection under s. 110.20  
8 when required, accompanied by the required fee has been delivered to the  
9 department or deposited in the mail properly addressed with postage prepaid, ~~or~~

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1 and, if the vehicle is an automobile, station wagon or any other vehicle having a gross  
2 vehicle weight rating of 8,000 pounds or less, the vehicle displays a temporary  
3 operation plate issued for the vehicle or the operator or owner of the vehicle produces  
4 proof that operation of the vehicle is within 2 business days of the vehicle's sale or  
5 transfer, or the vehicle in question is exempt from registration.

6 **SECTION 2.** 341.04 (1) (a) of the statutes is amended to read:

7 341.04 (1) (a) A vehicle may be operated by a private person after the date of  
8 purchase of such vehicle by such private person or after the date such person moved  
9 to this state if application for registration, except for registration under s. 341.30 or  
10 341.305, and certificate of title has been made and the person otherwise complies  
11 with any applicable requirements of this section.

12 **SECTION 3.** 341.09 (1) of the statutes is amended to read:

13 341.09 (1) The department shall issue temporary operation plates as provided  
14 under subs. (2), (2m) and (9) and may issue a temporary operation permit or plate  
15 for an unregistered vehicle ~~under any of the circumstances set forth in subs. (2) to~~  
16 ~~(6)~~ as otherwise provided under this section. Such permits or plates shall contain the  
17 date of expiration and sufficient information to identify the vehicle for which and the  
18 person to whom it is issued. The department may place the information identifying  
19 the vehicle and the person to whom the permit or plate is issued on a separate form.

20 **SECTION 4.** 341.09 (2) (f) of the statutes is repealed.

21 **SECTION 5.** 341.09 (2m) (a) of the statutes is renumbered 341.09 (2m) (a) 1. and  
22 amended to read:

23 341.09 (2m) (a) 1. Upon request by a dealer licensed in this state, the  
24 department ~~may~~ shall issue any number of temporary operation plates to a dealer  
25 under sub. (2) at a fee of \$3 per plate. The dealer ~~may~~ shall issue the temporary

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1 operation plate at a fee of \$3 to any state resident who purchases from the dealer any  
2 type of vehicle except buses, for-hire vehicles and vehicles ~~which~~ that are subject to  
3 registration under the international registration plan if the state is a party to such  
4 plan or vehicles ~~which~~ that are subject to registration under s. 341.41 (9). The  
5 department shall prescribe the manner in which a dealer shall keep records of  
6 temporary operation plates issued by the dealer under this paragraph.

7 **SECTION 6.** 341.09 (2m) (a) 2. of the statutes is created to read:

8 341.09 **(2m)** (a) 2. Each dealer licensed in this state may, upon application,  
9 issue the temporary operation plate at a fee of \$3 to any other state resident for use  
10 on any type of vehicle eligible for a temporary operation plate under subd. 1. if the  
11 dealer is satisfied as to ownership of the vehicle and the person certifies that he or  
12 she has made application for registration to the department and has neither received  
13 the regular registration plates for the vehicle nor has been issued a temporary  
14 operation plate under this section for the vehicle.

15 **SECTION 7.** 341.09 (2m) (c) of the statutes is repealed.

16 **SECTION 8.** 341.09 (9) of the statutes is created to read:

17 341.09 **(9)** (a) Notwithstanding any other provision of this section, the  
18 department shall issue a temporary operation plate for any type of vehicle, except  
19 buses, for-hire vehicles and vehicles that are subject to registration under the  
20 international registration plan if the state is a party to such plan or vehicles that are  
21 subject to registration under s. 341.41 (9) upon receipt of an application for  
22 registration if the department does not immediately issue the regular registration  
23 plates for the vehicle and the department determines that the applicant has not  
24 otherwise been issued a temporary operation plate under this section.

